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ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP No.D-3336 of 2012

Date _____ Order with signature(s) of Judge(s) _____

1. For orders on Misc. No.21334 of 2012
2. For hearing of main case



04th September 2024

Mr. Abdul Ahad, advocate for the petitioner
Mr. Haq Nawaz Talpur, advocate for PTA a/w Naeem Ashraf,
Director (Litigation) & Ali Akbar Sahito, Deputy Director (Law)
PTA and Chaudhry Adil, Asstt. Director (Law), PTA
Mr. Muhammad Qasim, DAG

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Admittedly, this petition was filed in 2012, challenging the recovery notice issued under section 81 of the Sindh Land Revenue Act 1967. However, the order passed by the revenue hierarchy dated 3rd June 2011, was not challenged by the petitioner and it has attained finality.

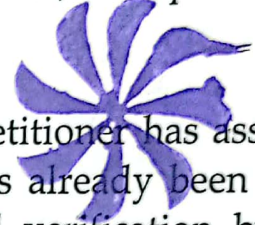
2. According to the counsel, petitioner has complied with the judgment passed by Islamabad High Court and surrendered all assets on the spectrum in 2017; therefore, petitioner is not liable to pay for the rest of the period as claimed by the respondents and in this regard, petitioner has also filed a writ petition bearing W.P.No.593/2021, which is pending adjudication before Islamabad High Court, as such, instant petition is not maintainable before this Court and is liable to be dismissed.

3. In contra, learned counsel for the respondents contends that issue of determination has already been settled and attained finality and in execution proceedings, notices were issued under the Land Revenue Act; hence, there was no illegality. Even the petitioner has failed to challenge the order dated 3rd June 2011, whereby notices were issued. However, there is progress in the matter and the petitioner has filed a fresh petition on a new plea that petitioner surrendered the spectrum in 2017 and is not liable to pay the amount as required by the PTA for the rest of the period, which matter is subjudice before the Islamabad High Court, therefore, the present petition has become infructuous.

4. For the going reasons, the present petition is hereby disposed of in the following manner:

1. **Pending Judicial Proceedings:** The issue of recovery proceedings with regard to the controversial period remains pending before the Islamabad High Court. Considering the ongoing judicial process, it is prudent to

High Court. Considering the ongoing judicial process, it is prudent to leave the matter to the Islamabad High Court.



2. **Verification of Petitioner's Payment Claim:** The petitioner has asserted that the amount owed for the 2012-2017 period has already been paid. However, this claim requires careful scrutiny and verification by the relevant authorities. The decision permits the authorities to closely examine the petitioner's financial records and statement to ascertain whether the payment was indeed made as claimed.
3. **Recovery Framework:** If the authorities' verification process concludes that the petitioner's claim is inaccurate, this decision empowers the authorities to initiate recovery proceedings in accordance with the provisions of the Land Revenue Act.
4. **Costs:** The parties are left to bear their own costs, reflecting the principle of fairness in the adjudication of this matter.


JUDGE


JUDGE